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ABSTRACT

The OCR Guidelines (Vocational Education Programs Guidelines for Eliminating Discrimination and Denial of Service on the Basis of Race, Color, National Origin, Sex and Handicap) are not the result of new legislation, but are new regulations for Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973, as they apply to vocational education. Many of the guidelines apply to the student identification and selection aspects of the vocational counselor's duties. Counselors must pay particular attention to areas of admissions criteria, public notification of vocational program opportunities, prediction of success, student recruitment, promotional activities, and accomodations for handicapped students. They must be careful to eliminate stereotyping in these activities and to promote their programs equally to all groups. They must also be able to communicate with students of limited English speaking ability, and must allow handicapped students to participate in regular vocational programs if at all consistent with the handicapped students' abilities. If vocational programs are over-enrolled by students, care must be taken in selecting those who are admitted. Programs should be expanded when possible; when this is not possible, criteria used to select students must be validated (Are past performance or prerequisites fair predictors of ability to benefit from the program?), or a lottery could be held. Counselors must also try to find fair assessment instruments and interpret them without bias. (KC)

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IMPLICATIONS OF THE OCR GUIDELINES FOR THE USE OF TESTS AND OTHER INFORMATION IN THE STUDENT SELECTION PROCESS

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IMPLICATIONS OF THE OCR GUIDELINES
FOR THE USE OF TESTS AND OTHER INFORMATION
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Background Information

Before describing the implications of the new OCR guidelines it is first necessary to provide some background information. To begin with, the full name of the guidelines as they appeared in the Federal Register on March 21, 1979 is: Vocational Education Programs Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Handicap. The guidelines or regulations are not the result of new legislation, as is usually the case, but are new regulations for already existing laws as they apply to Vocational Education. Specifically, they are based on:

Title VI of the Civil Rights Act of 1964.

Title IX of the Education Ammendments of 1972.

Section 504 of the Rehabilitation Act of 1973.

These new guidelines, based on laws for which regulations have already been issued, were necessary to satisfy the requirements of a suit against the Department of HEW for failure to enforce the existing civil rights legislation. Furthermore, it is pointed out in the introduction to the guidelines that "... it is apparent that many vocational education administrators engage in unlawful discriminatory practices." Under the OCR guidelines, it is required that within a year from the publication date (March 7, 1979) each state submit to the Office of Civil Rights the methods of administration and related procedures it will follow to comply with the requirements set forth.

Although the guidelines deal with a number of areas which affect the conduct of vocational education nationally, this paper deals only with those

directly or indirectly related to the use of tests and other similar information involved in the student selection process. Because the use of tests and inventories in vocational guidance cannot easily be separated from the whole process of vocational decision-making and the selection of vocational education programs, all matters within the guidelines that pertain to student selection are included here. For a fuller treatment of the historical aspects of discrimination in Vocational Education programs, see Kapes and Greenwood (1979) Walking the Tightrope of Student Selection. The major portion of this paper has been based on that article.

Pertinent Aspects of the OCR Guidelines

Although the guidelines include a number of requirements that do not fall directly in the guidance area, many of the regulations do specifically address the student identification and selection aspects of the vocational counselor's duties.

Some of the specific sections counselors need to pay particular attention to are: admissions criteria, public notification of vocational program opportunities, prediction of success, student recruitment, promotional activities, and accommodations for handicapped students.

Under the guidelines, recipients of federal monies may not judge candidates for admission to vocational education programs on the basis of criteria that have the effect of disproportionately excluding persons of a particular race, color, national origin, sex or handicap. Criteria for admissions must be validated as essential to participation in a given program. Examples of admissions criteria that must meet this test are past academic performance, record of disciplinary infractions, counselors' approval,

teachers' recommendations, interest inventories, high school diploma and standardized tests.

Prerequisite courses to admission to a vocational program may be required only if evidence can be given that this prerequisite is essential to participating in the vocational program. Prerequisites must also be available to all students without regard to race, color, national origin, sex or handicap.

Prior to the beginning of each school year, recipients must advise students, parents, employees and the general public that all vocational opportunities will be offered without regard to race, color, national origin, sex or handicap. A brief summary of program offerings and admission criteria should be included in the announcements as well as the name, address and telephone number of the person designated to coordinate Title IX and Section 504 compliance activity.

In the area of prediction of success, counselors must not direct or urge any student to enroll in a particular career or program, or measure a student's prospects for success in any career or program based upon the student's race, color, national origin, sex or handicap. Counselors may not counsel handicapped students toward more restrictive career objectives than nonhandicapped students with similar abilities and interests.

Additionally, if a program disproportionately enrolls male or female students, minority or nonminority students, or handicapped students, recipients must take steps to ensure that the disproportionate enrollment does not result from unlawful discrimination in counseling activities.

Two concerns were expressed in the new guidelines regarding recruitment: (1) to the extent possible, recruiting teams representing various occupational programs and opportunities should include persons of different races,

color, national origins, sexes and handicaps, and (2) where recruitment activities involve the presentation or portrayal of vocational and career opportunities, the curricula and programs described should cover a broad range of opportunities and not be limited on the basis of race, color, national origin, sex or handicap.

Furthermore, counselors are required to be able to communicate in ways understandable to both the student with limited English speaking ability and with the hearing impaired student. Interpreters may be necessary if counselors cannot meet this requirement.

Promotional activities undertaken by the total school staff, including counselors, may not create or perpetuate stereotypes or limitations based on race, color, national origin, sex or handicap. Materials must be bias-free when used in promotional activities. Minorities, women, men and the handicapped should be portrayed in careers where they have traditionally not been represented. Additionally, the materials must be available and distributed in the languages known to exist within the community.

Concerning accommodations for the handicapped, secondary level students must be placed in regular vocational education programs unless it can be demonstrated that the student's needs cannot be met in this way. Program placement for the handicapped must follow procedural safeguards and supplementary aids and services must be provided if necessary. If separate classes or facilities are provided, they must be comparable to those offered to non-handicapped students.

Problem Areas and Possible Solutions

The first of the several problems faced by the counselor is that of providing all students with unbiased information about all the possible

program choices. The solutions to this problem are, for the most part, direct and can be systematically and deliberately implemented. Recruitment practices need to be examined with affirmative action taken to appeal to groups underrepresented in particular occupational areas. Recruitment materials, especially those with pictures, need to portray members of previously underrepresented groups. Furthermore, the counselor and the entire school staff need to guard against the more subtle forms of suggestion that certain programs are not suitable for certain persons or groups.

A second and more difficult problem in eliminating barriers to equal access to vocational programs is that of selecting unbiased measures of aptitudes and interests. In the case of aptitude measures, sex-bias may not be a problem, but handicap, race, color and national origin may be. The best advice here appears to be a multiple aptitude approach using one or more measures which have been specifically validated for the relevant group. The selection of a measure may differ for different groups.

In the case of interests measures, the problem of sex-bias is probably of utmost concern. Following the National Institute of Education's Guidelines for Assessment of Sex Bias and Sex Fairness in Career Interest Inventories (Tittle and Zytowski, 1978) would be a good start. In the last few years, test publishers have begun to pay a great deal of attention to this problem, and a number of appropriate measures are available.

An excellent treatment of this subject is provided by Prediger (1980) in an article entitled Toward Sex-Fair Assessment of Vocational Interests. He suggests several key points for vocational educators to consider. They include: (1) sex-fair interest inventories should increase the range of occupations considered, (2) interest measures should be examined to detect sex-restrictive scoring, (3) male and female interest profiles

should not be very different and (4) don't be mislead by the arguments in favor of sex-restrictive inventories.

The potential problem of handicap and race, color or national origin bias in interest measurement has not been widely studied and some alterations of current instruments to eliminate possible bias may be necessary. Language and reading level are likely sources of potential problems.

Although selecting unbiased instruments is a significant problem, the bigger problem may be obtaining validity information concerning the relationship between scores obtained and successful participation in training. The most obviously expected relationships between aptitude and interest on one hand and success on the other hand may not really exist when put to the test of empirical evidence. Added to this problem is the questionable validity of many of the other attributes often used to help make decisions about who gets into an oversubscribed program. Some of these include: grades, attendance, past achievement, teachers' recommendations, attitude and numerous other nebulous and difficult to measure characteristics.

Pucel (1980) in a recently released publication from the National Center for Research in Vocational Education, has provided a review of the criteria useful for selection and admission of vocational students. He cautions his readers that much of the research conducted in this area has taken place before the more recent emphasis on affirmative action and has not been conducted with consideration of the problems pointed out in the OCR guidelines.

The best advice concerning the use of any of these measures is to only use those that can be empirically shown to be necessary for successful participation in the program, and that do not discriminate against students based on race, color, national origin, sex or handicap.

The most troublesome of all problems faced by the counselor is probably the situation that occurs when there are more applicants than openings. When all of the counselor's efforts to provide an unbiased system of open choice to all students culminates in a student choice, and each student's choice can be honored, small imperfections in the system are not serious. Furthermore, if the possibility always exists for students to change programs as desired, errors of selection may even be beneficial in a career development sense. (The students get to explore and find out something about both the occupational world and themselves.)

However, given the federal mandate to place students in occupations related to training and to ensure employer satisfaction, vocational programs are not designed for this type of exploratory activity. Furthermore, reality and a concern for economics increased by the taxpayer revolt dictate that only so many openings in each program will exist. This inevitability leads to some programs with more applicants than openings.

With these concerns in mind, it is evident that any guidance activities that lead to misinformation are doubly costly. Not only do they result in students' making poor choices, but they also invalidate any decisions the counselor may need to make about who gets what choices.

There are a number of methods currently available that convert multiple guidance data to some index which can then be used to make a go or no-go decision for each student; for example the Hyde scales (Hyde and Wircenski, no date), profile analysis (Kapes and Rollins, 1974), centour scores (Pucel, 1969; Prediger, 1971). Since they tend to be objective, the application of these methods may very well eliminate bias in many cases. However, because they all rely on the use of information for which validity data is often not available, they may also systematically discriminate for

the wrong reasons. In the case of centour scores, the validation process is built into the construction of the instrument; however, the necessary methodology to construct the instrument is complex and beyond the skills of most counselors. For a further treatment of the centour methodology, see Prediger's (1971) excellent article, Data-Information Conversion in Test Interpretation.

Given this dilemma, a more moderate course may be advisable at this time. For the purpose of improving the decisions that the students make about their preferences for vocational programs, the deliberate efforts to remove bias and discrimination outlined above should go a long way toward the ultimate goal of equal access for all. One approach, possibly useful here, could be patterned after the Individualized Education Program (IEP) approach currently required by federal laws governing the handicapped (Hull, Parrish & Hill, 1977). In this approach, an IEP Committee could be constituted for every student and this committee would help interpret the information and make the decision along with the student. Both parents and student would need to be satisfied and an appeals process would be available.

However, in those cases where someone needs to decide which students get an opportunity to enroll in over-subscribed programs, one additional solution may be viable. Short of offering unlimited enrollment in all programs, which at the extreme would be both costly and impractical, a lottery system may be the fairest way of solving the problem.

If all counseling options short of arbitrary or discriminatory judgement have been exhausted, it appears neither just nor wise to force a decision. In the case of continually over-subscribed programs, justification for program expansion would exist, and this route would be preferable.

However, whichever approaches are utilized, the basic problems involved in the use of tests and other information in the student selection process must be resolved in a manner that does not result in unlawful discrimination. It is the results rather than the procedures that are the principle concern of the OCR guidelines.

References

Department of HEW, Office of Civil Rights. Vocational Education Programs Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Handicap. Washington: Federal Register, Vol. 44, No. 56, March 21, 1979.

Hull, M.E., Parrish, L.H. and Hill. O.J. Individualized education programs. Industrial Education, December 1977, pp. 26-30.

Hyde, T.E. and Wircenski, J.L. Developing career counseling instruments. Columbus, Ohio: Division of Vocational Education, the Ohio State University, (No date).

Kapes, J.T. and Rollins, R.D. ...e ninth grade characteristics of students enrolled in selected AVTS p...ograms in twelfth grade. University Park, Pennsylvania: Department of Vocational Education, the Pennsylvania State University, VDS Monograph Number 19, March 1974.

Kapes, J.T. and Greenwood, K.L. Walking the tightrope of student selection, Voc Ed, 1979 54(7), 24-27.

Prediger, D.J. Data-information conversion in test interpretation. Journal of Counseling Psychology, 1971, 12, 306-313.

Prediger, D.J. Toward sex-fair assessment of vocational interests. Voc Ed, 1980, 55(4), 21-24.

Pucel, D.J. The centour methodology applied to vocational student counseling and admission. Journal of Industrial Teacher Education, 1979, 7(1), 5-12.

Pucel, D.J. Review and synthesis of criteria useful for the selection and admission of vocational students. Columbus, Ohio: The National Center for Research in Vocational Education, 1980. (Information Series No. 212).

Tittle, C.K. and Zytowski, D.G. Sex-fair interest measurement: research and implications. Washington: National Institute of Education, 1978.